

TRIPURA GAZETTE

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PART--IV-- Bills introduced in the Tripura Legislative Assembly : Report of Selection Committees presented or to be presented to the Assembly and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY

SECRETARIAT

NEW CAPITAL COMPLEX.

AGARTALA, TRIPURA, PIN - 799 010

[Fax : (0381) 241 4095/9654]

No.F.7(12-16)-LA/2018.

Dated, Agartala the 20th June , 2018.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “ **The Tripura Panchayats (6th Amendment) Bill, 2018 (Tripura Bill No. 5 of 2018) ”** as introduced in the Assembly on the **19th June, 2018** is published in the Tripura Gazette.”


(B. Majumder)

Secretary

Tripura Legislative Assembly

The Tripura Panchayats (6th Amendment) Bill, 2018

A BILL

further to amend the Tripura Panchayats Act, 1993.

BE it enacted by the Tripura Legislative Assembly in the 69th year of the Republic of India as follows:-

- | | |
|---|--|
| 1. Short title and commencement: | <ol style="list-style-type: none">1) This Bill may be called The Tripura Panchayats (6th Amendment) Bill, 2018;2) It shall come into force on the date of its publication in the Tripura Gazette. |
| 2. Amendment of section 58: | <p>In Tripura Panchayats Act, 1993, Section 58, Sub-Section (5), the following proviso shall be added,:-</p> <p style="padding-left: 40px;">“Provided that in cases where the offices of both the Pradhan and the Upa-Pradhan fall vacant by virtue of their having resigned from their posts or otherwise, all orders for payment from the Gram Panchayat Fund shall be signed jointly by the in-charge Panchayat Secretary of the Gram Panchayat and the Block Development Officer concerned, till the time the new Pradhans or Upa-Pradhans are elected through due legal process.”</p> |
| 3. Repeal and Savings: | <ol style="list-style-type: none">(i) Tripura Panchayats (6th Amendment) Ordinance, 2018, is hereby repealed;(ii) Notwithstanding such repeal, any action taken or purported to have been taken or anything done, notification, order issued under the Ordinance hereby repealed, shall be deemed to have been taken, done, issued under the corresponding provisions of this Act. |

STATEMENT OF OBJECTS & REASONS

As per the mandate of the 73rd Constitutional Amendment, the Tripura Panchayats Act, 1993 was enacted, inter-alia, to endow the Panchayats with functions and powers so as to enable them to function as vibrant institutions of local self-government with greater peoples' participation in managing their own affairs. Section 58(5) of the Tripura Panchayats Act, 1993 provides that "Subject to such general control as the Gram Panchayat may exercise from time to time, all orders for payment from the Gram Panchayat Fund shall be signed by the Pradhan or in his absence, by the Upa-Pradhan."

2. Of late, a number of Pradhans, Upa-Pradhans and Members of Gram Panchayats have tendered their resignations. In some cases, all members of the Gram Panchayats (including Pradhan & Upa-Pradhan) have resigned. This has created serious difficulties in making payments on completion of development works, since payment could only be made under signatures of the Pradhan or Upa-Pradhan, as per the legal provisions.

3. **The reason for bringing the Ordinance** was to provide an alternative mechanism for payments from the Gram Panchayat Fund for completed works, till the time the new Pradhans or Upa-Pradhans are elected through the due legal process, so that the development works are not hampered during the intervening period. The Ordinance had to be brought since the Assembly was not in session and a solution of the problem needed to be found immediately, in public interest. In view of this, an Ordinance called Tripura Panchayats (6th Amendment) Ordinance, 2018 was promulgated by the Governor of Tripura on 24.05.2018. Through this Ordinance, a Proviso was added to Section 58(5) of the Tripura Panchayat Act, 1993, to provide that *in cases where the offices of both the Pradhan and the Upa-Pradhan fall vacant by virtue of their having resigned from their posts or otherwise, all orders for payment from the Gram Panchayat Fund shall be signed jointly by the in-charge Panchayat Secretary of the Gram Panchayat and the Block Development Officer concerned, till the time the new Pradhans or Upa-Pradhans are elected through due legal process.*

4. The Present Bill is to replace the above-mentioned Ordinance. This is necessary since the problem still continues. It is absolutely necessary to have a mechanism of making payments from the Gram Panchayat Fund, in the absence of Pradhans and the Upa-Pradhans. Once the Pradhans and Upa-Pradhans are elected through due legal process, the payments from Gram Panchayat Funds shall be made under their signatures as was being done before.

5. The Bill Seeks to achieve the aforesaid objects.

(Jishnu Dev Varma)
Minister, RD (Panchayat) etc. Department

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation will not involve any additional expenditure from the Consolidated Fund of the State.

TECHNICAL REPORT

The subject matter of the Bill is relatable to Entry 5 of the State List (List II) of the Seventh Schedule to the Constitution of India and therefore, the State Legislature is competent to make a Law on this subject. The provisions of the Bill are not repugnant to any provision of any existing Central Act or the Constitution of India.

There is nothing for which it is required to reserve the Bill for the consideration of the President. The Bill does not attract the proviso to clause(b) of Article 304 of the Constitution of India and therefore, previous sanction of the President of India is not required for introduction of this Bill.